

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MEDIOSTREAM, INC., a California corporation,

Plaintiff

VS.

ACER AMERICA CORPORATION, APPLE
COMPUTER, INC., ASUS COMPUTER
INTERNATIONAL INC., DELL, INC., and
GATEWAY, INC.

Defendants.

§ Civil Action No. 2-07CV-376 TJW

**DECLARATION OF KIRK PAULSEN IN SUPPORT OF MOTION OF ACER
AMERICA CORPORATION, APPLE, INC., ASUS COMPUTER INTERNATIONAL
INC., GATEWAY, INC., CYBERLINK.COM CORP. TO TRANSFER VENUE
PURSUANT TO 28 U.S.C. § 1404**

1. I, Kirk Paulsen, am the Senior Director, Consumer Applications Product Marketing of Apple, Inc. (“Apple”). I submit this declaration in support of the Motion of Acer America Corporation, Apple, Asus Computer International Inc., Gateway, Inc., and Cyberlink.com Corp. to Transfer Venue Pursuant to 28 U.S.C. § 1404. I have personal knowledge of the facts stated in this declaration and, if called upon to do so, would testify competently thereto at trial.

2. Apple is a California corporation with its principal place of business in Cupertino, California.

3. While I understand that Plaintiff has yet to identify specific accused products, I have been informed that the patents at issue in this case relate to software programs

for video conversion. Any such allegedly infringing products made or sold by Apple would have been researched, designed, developed and tested in Cupertino, California.

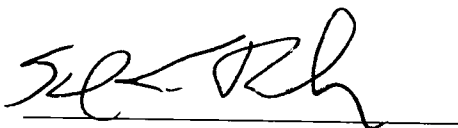
4. All decisions regarding marketing, sales, and pricing of any such allegedly infringing products would have occurred predominantly in Cupertino, California.

5. It is also highly likely that any relevant witnesses from Apple would reside in or near Cupertino, California. None would reside in the Eastern District of Texas.

6. Apple does not maintain any facilities, employees, or documents in the Eastern District of Texas.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated this 25th day of January, 2008.

A handwritten signature in black ink, appearing to read 'Kirk Paulsen', is written over a horizontal line.

Kirk Paulsen

Senior Director, Consumer Applications Product Marketing of Apple
Apple Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 25th day of January, 2008.

/S/Mark. C. Scarsi

Mark C. Scarsi